

**Commonwealth of Massachusetts
NORFOLK SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v [REDACTED]

Details for Docket: [REDACTED]

**Case
Information**

Docket Number:	[REDACTED]	Caption:	Commonwealth v [REDACTED]
Entry Date:	11/20/2009	Case Status:	1 - Criminal 1
Status Date:	12/18/2009	Session:	Active
Lead Case:	NA	Deadline Status:	Active since
Trial Deadline:	12/28/2009	Jury Trial:	NO

Parties Involved

2 Parties Involved in Docket: [REDACTED]

Party Involved:		Role:	Defendant
Last Name:	[REDACTED]	First Name:	[REDACTED]
Address:	[REDACTED]	Address:	[REDACTED]
City:	[REDACTED]	State:	[REDACTED]
Zip Code:	[REDACTED]	Zip Ext:	[REDACTED]
Telephone:	[REDACTED]		

Party Involved:		Role:	Plaintiff
Last	Commonwealth	First	

Name:
Address:
City:
Zip Code:
Telephone:

Name:
Address:
State:
Zip Ext:

Attorneys Involved

4 Attorneys Involved for Docket: [REDACTED]

Attorney Involved:
Last Name: Payton
Address: 45 Shawmut Road
City: Canton
Zip Code: 02021
Telephone: 781-830-4800
Fascimile: 781-830-4801

Firm Name: NORF01
First Name: Debi
Address: PO Box 380
State: MA
Zip Ext:
Tel Ext: 385
Representing: Commonwealth,
(Plaintiff)

Attorney Involved:
Last Name: Badway
Address: 1 Ashburton Place
City: Boston
Zip Code: 02108
Telephone: 617-727-2200
Fascimile: 617-727-5755

Firm Name: MA02
First Name: Eva M
Address: Appellate Criminal
Division
State: MA
Zip Ext:
Tel Ext: 2824
Representing: Commonwealth,
(Plaintiff)

**Attorney
Involved:**

Last Name: Manieri
Address: 71 Lauriston Street
City: Providence, R.I.
Zip Code: 02906
Telephone: 401-270-9665
Fascimile: 401-521-7160

**Firm
Name:**

First Name: Anthony J
Address:
State: RI
Zip Ext:
Tel Ext:
Representing: [REDACTED]
 (Defendant)

**Attorney
Involved:**

Last Name: Santana
Address: 550 Cochituate Road
City: Framingham
Zip Code: 01701
Telephone: 617-519-0604
Fascimile: 508-655-9301

**Firm
Name:**

First Name: Oriosto M
Address: East Wing Suite 425
State: MA
Zip Ext:
Tel Ext:
Representing: [REDACTED]
 (Defendant)

Calendar Events

25 Calendar Events for Docket: [REDACTED]

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	12/18/2009	09:00	Arraignment	1	Event held as scheduled
2	01/25/2010	09:00	Conference: Pre-Trial	1	Event held as scheduled
3	02/10/2010	09:00	Hearing: Pre-Trial	1	Event not held--joint request

4	03/09/2010	09:00	Hearing: Pre-Trial	1	Event not held--joint request
5	04/20/2010	14:00	Hearing: Motion	1	Event held as scheduled
6	06/16/2010	09:00	Hearing: Motion	1	Event not held--req of Defendant
7	07/30/2010	09:00	Hearing: Evidentiary-suppression	1	Event not reached by Court
8	09/28/2010	09:00	Hearing: Motion to Suppress Evidence	1	Event not reached by Court
9	10/22/2010	09:00	Hearing: Motion to Suppress Evidence	1	Event rescheduled by court prior to date
10	12/17/2010	09:00	Hearing: Evidentiary-suppression	1	Event held--(ACTIVE) under advisement
11	01/25/2011	09:00	Status: Review by Clerk	1	Event held as scheduled
12	03/21/2011	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
13	03/29/2011	14:00	Hearing: Motion	1	Event held as scheduled
14	04/11/2011	09:00	TRIAL: by jury	1	Event not held--req of Commonwealth
15	04/12/2011	09:00	TRIAL: by jury	1	Event not held--req of Defendant
16	10/17/2011	14:00	Conference: Trial Assignment	1	Event held as scheduled
17	11/29/2011	14:00	Conference: Trial Assignment	1	Event held as scheduled
18	02/27/2012	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
19	03/07/2012	09:00	TRIAL: by jury	1	Event rescheduled by court prior to date
20	05/02/2012	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
					Event rescheduled by

21	05/09/2012	14:00	Hearing: Motion	1	court prior to date
22	05/11/2012	09:00	Hearing: Motion	1	Event held as scheduled
23	05/15/2012	09:00	TRIAL: by jury	1	Event rescheduled by court prior to date
24	06/22/2012	14:00	Status: Review by Session	1	
25	07/09/2012	09:00	TRIAL: by jury	1	

Full Docket Entries

168 Docket Entries for Docket: [REDACTED]

Entry Date:	Paper No:	Docket Entry:
11/20/2009	1	Indictment returned
12/18/2009		Deft arraigned before Court - Track A - Plea Not Guilty - Bail:
12/18/2009		\$2,500.00 cash (same as D.C.) Atty. Fee Private Anthony Manieri -
12/18/2009		Continued to 1/25/10 for PTC - Spanish Interpreter - PTH 2/10/10 -
12/18/2009		Spanish Interpreter - (Sanders, J) B Roche a.c., D Chapin ct. rpt.
12/18/2009		Assigned to Track "A", see scheduling order
12/18/2009	2	12/18/09: Appearance of Deft's Atty: Anthony J Manieri
12/18/2009		RE Offense 1:Plea of not guilty
12/18/2009		RE Offense 2:Plea of not guilty
12/18/2009		RE Offense 3:Plea of not guilty
12/18/2009		RE Offense 4:Plea of not guilty
12/28/2009		Tracking deadlines Active since return date
12/28/2009	3	12/18/09: Commonwealth files Statement Of The Case
12/28/2009	4	12/18/09: Commonwealth files Notice Of Discovery I
12/28/2009	5	12/18/09: Commonwealth files Request For Discovery

12/28/2009	6	12/18/09: Commonwealth files Notice Of Discovery II
12/28/2009	7	Request for Interpreter by [REDACTED] on 01/25/10
12/28/2009	8	Request for Spanish Interpreter by [REDACTED] on 02/10/10
01/21/2010	9	\$2,500.00 Cash Bail Received - From [REDACTED] [REDACTED] - Surety
01/25/2010	10	Interpreter present: Merce Lopez on 1/25/2010 Spanish
01/29/2010	11	1/25/10: Pre-trial conference report filed
01/29/2010		1/25/10: Continued 3/9/10 PTH agreed. Spanish Interpreter. (Fishman,
01/29/2010		J) J Uguccioni a.c., D Keefer ct. rpt.
01/29/2010	12	Request for Spanish Interpreter by [REDACTED] on 03/09/10.
03/12/2010		3/9/10 - Continued to 4/20/10 - Mc Carthy - Dell Motions to Dismiss
03/12/2010		agreed @ 2PM - Spanish Interpreter Moitons filed by 4/2/10 (Fishman.
03/12/2010		J) J. Uguccioni a.c D.Chapin ct rpt
03/12/2010	13	Request for Spanish Interpreter by [REDACTED] for 4/20/10
03/12/2010	14	Deft files Motion for the Production of Exculpatory Evidence and
03/12/2010	14	Certificate of Service.
03/12/2010	15	MOTION by Deft: to Discover Surveillance Information and Certificate
03/12/2010	15	of Service.
03/12/2010	16	Commonwealth files Prospective Witness List.
03/12/2010	17	Commonwealth files Notice of Discovery III.
03/12/2010	18	Commonwealth files Notice of Discovery IV.
03/12/2010	19	Commonwealth files Notice of Discovery V.
04/06/2010	20	4/4/10: MOTION by Deft: To Dismiss with certificate of service and
04/06/2010	20	memorandum of law
04/06/2010	21	4/4/10: MOTION by Deft: To Dismiss G.L. c. 94C s 32J Count Of

04/06/2010	21	Indictment with certificate of service.
04/06/2010	22	4/4/10: MOTION by Deft: To Dismiss with certificate of service
04/22/2010	23	Commonwealth files Memorandum in Opposition to the Defendant's Motion
04/22/2010	23	to Dismiss (McCarthy) I
04/22/2010	24	Commonwealth files Memorandum in Opposition to the Defendant's Motion
04/22/2010	24	to Dismiss (McCarthy) 94C s32J
04/22/2010	25	ORDERED: Memorandum Of Decision And Order On The Defendants' Motions
04/22/2010	25	To Dismiss (Paul A. Chernoff, Associate Justice) c/s to ADA & Atty.
06/08/2010	26	MOTION by Deft: to Suppress, Certificate of Service and Affidavit of
06/08/2010	26	[REDACTED]
06/17/2010		6/15/10 - Case advanced; continued to 7/30/10 - 9AM - M/S - Spanish
06/17/2010		Interpreter. (Chernoff,J.) B G Roche a.c G Grayson ct rpt
06/17/2010	27	Request for Spanish Interpreter by [REDACTED] for 7/30/10
08/11/2010		8/11/10: Continued 9/28/10 M/S 9 AM Spanish Intrepreter. (Sanders, J)
08/11/2010		B Roche a.c., D Chapin ct. rpt.
08/11/2010	28	Request for Spanish Interpreter by [REDACTED] on 9/28/10.
08/27/2010		Re: Motion #41.0: Commonwealth to respond within 30 days
08/27/2010		(Gershengorn, J)
09/28/2010		Continued 10/22/10 9AM M/S (2 hours) Spanish Interpreter (Sanders, J)
09/28/2010		B Roche a.c., D Chapin ct. rpt.
10/01/2010	29	Request for Spanish Interpreter by [REDACTED] on 10/22/10
		Commonwealth files opposition to defendants' motion

12/17/2010		to suppress
12/22/2010		12/17/10 - M/S heard, taken U/A. Defts memo filed by 1/14/11, Xomm.
12/22/2010		response by 1/21/11. - Continued to 3/21/11 9AM agreed.
12/22/2010		(Gersshngorn,J.) J P Hurley III a.c C. Johnson ct rpt - Spanish
12/22/2010		Interpreter for 3/21/11 and 4/11/11
12/22/2010	30	Request for Interpreter by [REDACTED] for 3/21/11
12/22/2010	31	Request for Spanish Interpreter by [REDACTED] for 4/11/11
01/18/2011	32	MOTION by Deft: [REDACTED] Memorandum of Law in Support of
01/18/2011	32	Motion to Suppress Evidence Seized from his person at time of Arrest,
01/18/2011	32	Certificate of Service w/attachments
01/25/2011	33	12/17/10: Commonwealth files Opposition To Defendants' Motion To
01/25/2011	33	Suppress
01/25/2011		12/20/11: Brought forward - Trial continued from 4/11/11 to 4/12/11
01/25/2011		req. Comm. by agreement. Change Spanish Interpreter from 4/11 to
01/25/2011		4/12/11 9AM. (Fishman, J) JP Hurley III a.c.
01/25/2011	34	Request for Spanish Interpreter by [REDACTED] on 4/11/11 CANCELLED
01/25/2011	35	Request for Spanish Interpreter by [REDACTED] on 4/12/11
03/02/2011		MOTION (P#26) Denied - See opinion on co-defendant [REDACTED] (W.
03/02/2011		Gershengorn, Associate Justice). Copies mailed ADA & Atty.
03/04/2011	36	3/2/11 - FINDINGS of FACT RULINGS of LAW, AND ORDER ON DEFENDANT'S
03/04/2011	36	MOTION TO SUPPRESS - ORDER - For the above-mentioned reasons, [REDACTED]

03/04/2011	36	██████████ Motion to Suppress is DENIED (Wendie I. Gershengorn,
03/04/2011	36	Associate Justice) c/s ADA & Atty.
03/22/2011	37	3/21/11 - Deft files Pretrial Memorandum and Certificate of Service.
03/22/2011	38	3/21/11 - MOTION by Deft: For relief From Prejudicial Joiner,
03/22/2011	38	Certificate of Service and Affidavit.
03/22/2011		3/21/11 - Continued to 3/29/11 - 2PM hearing, Deft's Motion to Sever.
03/22/2011		-- Any further filings by 3/25/11 - Spanish Interpreter needed.
03/22/2011		(Fishman,J) J P Hurley III a.c D. Chapin ct rpt
03/22/2011	39	Request for SPANISH Interpreter by ██████████ FOR 3/29/11.
03/25/2011	40	MOTION by Deft: in Limine to Admit Extra-Judicial Statements,
03/25/2011	40	Certificate of Service, Memorandum of Law & Certificate of Service
03/25/2011	40	c/s Judge Gershengorn
03/25/2011	41	MOTION by Deft: for Reconsideration and Incorporated Memorandum of
03/25/2011	41	Law, Certificate of Service w/exhibits attached c/s Judge Gershengorn
03/29/2011		Summons issued to Cherie A. Kelley
03/30/2011		3/21/11 - Re: paper #38 - 3/29/11 - Withdrawn (Fishman, J) J.
03/30/2011		Uguccioni, a.c.
04/07/2011	42	Request for Spanish Interpreter by ██████████ on 4/12/11
04/07/2011	42	CANCELLED*
04/08/2011	43	3/28/11: To Join In Co-Defendant ██████████ Motion To Sever
04/08/2011		3/31/11: MOTION (P#43.0) Allowed after hearing. Motion to sever also
		allowed. See Memorandum and Order of this date.

04/08/2011		(Kenneth J. Fishman,
04/08/2011		Associate Justice). Copies mailed 4/8/2011
04/08/2011	44	3/31/11: MEMORANDUM & ORDER: On Defendants'
		Motion To Sever (Kenneth
04/08/2011	44	J. Fishman, Associate Justice) c/s 4/8/11
04/08/2011		3/31/11: MOTION (P#40.0) After hearing, Allowed
		under Mass. G Evid.
04/08/2011		s804(6)(b) (Kenneth J. Fishman, Regional
		Administrative Justice).
04/08/2011		Copies mailed 4/8/2011
05/04/2011		4/27/11 - re: paper #41 - Commonwealth to respond
		within 30 days
05/04/2011		(Gershengorn, J c/s ADA & Atty.
07/20/2011	45	Appearance of Deft's Atty: Oriosto M Santana
07/26/2011	46	Motion to Withdraw
09/21/2011	47	Commonwealth files Opposition To Defendant's Motion
		For
09/21/2011	47	Reconsideration
09/21/2011		9/20/11: Case scheduled for Status and TA 10/17/11
		2PM. Spanish
09/21/2011		Intepreter needed. (McGuire, J) JP Hurley III a.c.
09/21/2011	48	Request for Spanish Interpreter by [REDACTED] on
		10/17/11
09/24/2011	49	MEMORANDUM Of Decision And ORDER: On
		Defendant's Motion For
09/24/2011	49	Reconsideration Of Ruling On Motion To Suppress
		(Thomas F. McGuire,
09/24/2011	49	Associate Justice) copies mailed to ADA & Atty.
		10/14/2011
10/18/2011		Continued 11/29/11 trial assignment. Spanish
		interpreter to be
10/18/2011		ordered (Fishman, J) J. McDermott, a.c, D. Chapin, ct.
		rpt.
10/18/2011	50	Request for Interpreter by [REDACTED] for 11/29/11
11/29/2011		Continued 2/27/12 FPTC; 3/7/12 Trial - Spanish

		interpreter to be
11/29/2011		ordered for both dates (Fishman, J) J. McDermott, a.c., D. Chapin,
11/29/2011		ct. rpt.
11/29/2011	51	Request for Interpreter by [REDACTED] for 2/27/12
11/29/2011	52	Request for Interpreter by [REDACTED] for 3/7/12
02/27/2012	53	Commonwealth files Notice of Discovery VI
02/27/2012		Continued 5/2/12 FPTC; 5 15/12 trial agreed. Spanish Interpreter to
02/27/2012		be ordered for both dates. Out of court compliance 3/16/12 (Fishman,
02/27/2012		J) J. McDermott, a.c., D. Keefer, ct. rpt.
03/12/2012	54	MOTION by Commonwealth: for Reconsideration of Order for Commonwealth
03/12/2012	54	to Produce Department of Public Health Reports & Certificate of
03/12/2012	54	Service
03/12/2012	55	Commonwealth files Notice of Discovery VII
03/13/2012		2/27/12 - Spanish Interpreter present: Rosen, Norma
05/02/2012	56	ORDER (Kenneth J. Fishman, Regional Administrative Justice) c/s
05/02/2012	56	Executive Office of Health and Human Services (Dept. of Public Health)
05/02/2012		Continued 5/9/12 Motion Spanish Interpreter to be ordered. (Fishman,
05/02/2012		J) J McDermott a.c., D Chapin ct. rpt.
05/02/2012	57	Commonwealth files Updated Potential Witness List & Notice Of Intent
05/02/2012	57	To Call Certain Witnesses As Experts Witnesses
05/03/2012	58	Request for Spanish Interpreter by [REDACTED] on 5/9/12
05/09/2012		At request of Defendant, Continued 6/22/12 Status; 7/9/12 Trial.
05/09/2012		Spanish Interpreter to be ordered for both dates. (Fishman, J) J

05/09/2012		McDermott a.c., D Chapin ct. rpt.
05/11/2012		Interpreter present: Ames, Mariella on 5/11/2012
05/11/2012		Appearance of Commonwealth's Atty: Eva M Badway & Certificate of
05/11/2012		Service
05/11/2012	59	Commonwealth files The Department of Public Health's Response to this
05/11/2012	59	Court's Order Dated May 2, 2012 and Opposition to the Defendant's
05/11/2012	59	Motion for Rule 17 Discovery w/attachments
05/11/2012	59	Commonwealth files - Department of Public Health's Moton for court
05/11/2012	59	Order to Restrict Discovery of Investigative Report Related to A.D.
05/14/2012	60	Request for Spanish Interpreter by [REDACTED] on 6/22/12
05/14/2012	61	Request for Spanish Interpreter by [REDACTED] on 7/9/12.
05/24/2012		After hearing, and upon review, including an incamera review of a
05/24/2012		single document responsive to this court's order of 5/2/12, it is
05/24/2012		hereby ORDERED that the 5/2/12 is withdrawn. The defendant has not
05/24/2012		made an adequate showing for the production of the 2/29/12
05/24/2012		investigation report of the DPH, which report (and a redacted version
05/24/2012		thereof) is hereby IMPOUNDED by this Court. The report is neither
05/24/2012		relevant or evidentiary to this case given that it refers to conduct
05/24/2012		covering 18 months after the testing in this case by a chemist who
05/24/2012		will not be called to testify by the Commonwealth. (Kenneth J.

05/24/2012

Fishman, Regional Associate Justice c/s ADA & Atty.
(IMPOUNDED)

Charges

4 Charges for Docket: [REDACTED]

No.	Charge Description:	Indictment:	Status:
1	COCAINE, TRAFFICKING IN c94C s32E(b)		Plea of not guilty
2	DRUG VIOLATION NEAR SCHOOL/PARK c94C s32J		Plea of not guilty
3	COCAINE, POSSESS TO DISTRIBUTE c94C s32A(c)		Plea of not guilty
4	CONSPIRACY TO VIOLATE DRUG LAW c94C s40		Plea of not guilty

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